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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			HERNANDEZ, NELSON D	
			ART UNIT	PAPER NUMBER
			2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,836

Applicant(s)

TOYODA ET AL.

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) ⁴⁻⁷~~1-2~~ is/are pending in the application.
- 4a) Of the above claim(s) ~~2-2~~²⁻²⁻⁴⁷ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/28/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. **Claims 22-47** withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 17, 2005.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-4, 7-11 and 13-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ichikawa, US Patent 6,850,271 B1.**

Regarding claim 1, Ichikawa discloses an electronic camera (See fig. 3), comprising: an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal; an image processing unit (See image processing circuits 12,

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14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit; a setting unit (Fig. 3: 84) setting an image capturing condition for capturing the image of the subject; a storing unit (a storing unit storing a plurality of pieces of image forming instruction information unit is inherent in the camera in order to select them to be applied to the captured image) storing a plurality of pieces of image forming instruction information used when a visible image is formed based on the image data; a selecting unit (drivers 28 or 38, which store the image data and image forming instruction information to the memory card 30 or to transmit the image data using wireless communication unit 42, see fig. 3) selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by said setting unit; and an outputting unit (memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) associating the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 2, Ichikawa discloses an electronic camera (See fig. 3), comprising: an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal; an image processing unit (See image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit; a shooting mode selecting unit (Fig. 3: 84) selecting a mode used for shooting from

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among a plurality of shooting modes; a storing unit (a storing unit storing a plurality of pieces of image forming instruction information unit is inherent in the camera in order to select them to be applied to the captured image) storing a plurality of image forming instruction modes used when a visible image is formed based on the image data; an image forming instruction mode selecting unit (drivers 28 or 38, which store the image data and image forming instruction information to the memory card 30 or to transmit the image data using wireless communication unit 42, see fig. 3) selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit based on the shooting mode selected by said shooting mode selecting unit; and an outputting unit (memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the image forming instruction mode in association with the image data (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 3, Ichikawa discloses an electronic camera (See fig. 3), comprising: an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal; an image processing unit (See image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit; an image capturing condition setting unit (Fig. 3: 84 with cursor 82) setting a condition for image capturing performed by said image capturing unit based on status of the subject; a storing unit (a storing unit storing a plurality of pieces of image forming

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instruction information unit is inherent in the camera in order to select them to be applied to the captured image) storing a plurality of image forming instruction modes used when a visible image is formed based on the image data; an image forming instruction mode selecting unit (drivers 28 or 38, which store the image data and image forming instruction information to the memory card 30 or to transmit the image data using wireless communication unit 42, see fig. 3) selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit based on the condition for image capturing, which is set by said image capturing condition setting unit; and an outputting unit (memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the image forming instruction mode in association with the image data (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 4, Ichikawa discloses an electronic camera (See fig. 3), comprising: an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal; an image processing unit (See image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit; a shooting mode selecting unit (Fig. 3: 84) selecting a mode used for shooting from among a plurality of shooting modes; an image capturing condition setting unit (Fig. 3: 84 with cursor 82) setting a condition for image capturing performed by said image capturing unit based on status of the subject; a storing unit (a storing unit storing a

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plurality of pieces of image forming instruction information unit is inherent in the camera in order to select them to be applied to the captured image) storing a plurality of image forming instruction modes used when a visible image is formed based on the image data; an image forming instruction mode selecting unit (drivers 28 or 38, which store the image data and image forming instruction information to the memory card 30 or to transmit the image data using wireless communication unit 42, see fig. 3) selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit based on the shooting mode selected by said shooting mode selecting unit, and the condition for image capturing, which is set by said image capturing condition setting unit; and an outputting unit (memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the image forming instruction mode in association with the image data (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 7, Ichikawa discloses an electronic camera system (See fig. 1) having an electronic camera (Figs. 1: 50 and 3: 50), and an image forming apparatus (Fig. 1: 100), wherein: the electronic camera comprises an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal, an image processing unit (See image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit, a setting unit (Fig. 3: 84) setting an image capturing condition for capturing the image of the subject, a storing unit (a storing unit

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storing a plurality of pieces of image forming instruction information unit is inherent in the camera in order to select them to be applied to the captured image) storing a plurality of pieces of image forming instruction information used when a visible image is formed based on the image data, a selecting unit (drivers 28 or 38, which store the image data and image forming instruction information to the memory card 30 or to transmit the image data using wireless communication unit 42, see fig. 3) selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit, based on the image capturing condition set by said setting unit and an outputting unit (memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) associating the image forming instruction information selected by said selecting unit with the image data, and outputting the image forming instruction information in association with the image data; and the image forming apparatus comprises a reading unit (Col. 3, lines 13-48) reading image data to be formed as an image, and image forming instruction information in association with the image data, an image forming mode selecting unit (Fig. 1: 58) selecting an image forming mode, which corresponds to the image forming instruction information read by said reading unit, from among a plurality of image forming modes performing an image forming process according to a different condition, an image forming processing unit (Fig. 1: 62) performing an image quality forming process according to the image forming mode selected by said image forming mode selecting unit, and an image outputting unit (Fig. 1: 66) outputting image data for which an image process is performed by said

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image forming processing unit (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 8, Ichikawa discloses a method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising: setting an image capturing condition for capturing an image of a subject (Using Mode dial 84 as shown in fig. 3); capturing the image of the subject, and outputting an image signal (Using photographing device 10 as shown in fig. 3); obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3); selecting a predetermined piece of image forming instruction information from among a plurality of pieces of image forming instruction information used when a visible image is formed based on the obtained image data, according to the set image capturing condition (Using drivers 28 or 38, which store the image data and image forming instruction information to the memory card 30 or to transmit the image data using wireless communication unit 42, see fig. 3); and associating the selected image forming instruction information with the obtained image data (See figs. 2A and 2B), and outputting the image forming instruction information in association with the image data (Using memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 9, Ichikawa discloses a method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising: selecting a mode (Using Mode dial 84 as

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shown in fig. 3) used for shooting from among a plurality of shooting modes; capturing an image of a subject, and outputting an image signal (Using photographing device 10 as shown in fig. 3); obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3); selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes used when a visible image is formed based on the obtained image data, according to the selected shooting mode (Using drivers 28 or 38, which store the image data and image forming instruction information to the memory card 30 or to transmit the image data using wireless communication unit 42, see fig. 3); and associating the selected image forming instruction mode with the obtained image data (See figs. 2A and 2B), and outputting the image forming instruction mode in associating with the image data (Using memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 10, Ichikawa discloses a method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising: setting a condition for image capturing based on status of a subject (Using Mode dial 84 as shown in fig. 3); capturing an image of the subject, and outputting an image signal; (Using photographing device 10 as shown in fig. 3); obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3); selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes used when a visible image is formed based on the

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obtained image data, according to the set condition for image capturing (Using drivers 28 or 38, which store the image data and image forming instruction information to the memory card 30 or to transmit the image data using wireless communication unit 42, see fig. 3); and associating the selected image forming instruction mode with the obtained image data (See figs. 2A and 2B), and outputting the image forming instruction mode in association with the image data (Using memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 11, Ichikawa discloses a method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising: selecting a mode used for shooting from among a plurality of shooting modes (Using Mode dial 84 as shown in fig. 3); setting a condition for image capturing based on status of a subject (Using Mode dial 84 with cursor 82 as shown in fig. 3); capturing an image of the subject, and outputting an image signal (Using photographing device 10 as shown in fig. 3); obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3); selecting a predetermined image forming instruction mode from among a plurality of image forming instruction modes used when a visible image is formed based on the obtained image data, according to the selected shooting mode and the set condition for image capturing (Using drivers 28 or 38, which store the image data and image forming instruction information to the memory card 30 or to transmit the image data using wireless communication unit 42, see fig. 3); and associating the selected image forming instruction mode with the obtained image data

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(See figs. 2A and 2B), and outputting the image forming instruction mode in associating with the image data (Using memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 13, Ichikawa discloses an image forming method, comprising: setting an image capturing condition for capturing an image of a subject (Using Mode dial 84 as shown in fig. 3), capturing the image of the subject, and outputting an image signal (Using photographing device 10 as shown in fig. 3), obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3), selecting a predetermined piece of image forming instruction information from among a plurality of pieces of image forming instruction information used when a visible image is formed based on the obtained image data, according to the set image capturing condition (Using drivers 28 or 38, which store the image data and image forming instruction information to the memory card 30 or to transmit the image data using wireless communication unit 42, see fig. 3), and associating the selected image forming instruction information with the obtained image data (See figs. 2A and 2B), and outputting the image forming instruction information in associating with the image data (Using memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information), in an electronic camera (Fig. 3: 10); and reading image data to be formed as an image (Col. 3, lines 13-48), and image forming instruction information in associating with the image data (Using LUT Correction shown in fig. 1: 58), selecting an image forming mode which corresponds to the read image forming instruction

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information from among a plurality of image forming modes performing an image forming process according to a different condition, performing an image quality forming process according to the selected image forming mode (Using Image Analyzing and Printer Auto Setup Coefficient Determining Section as shown in fig. 1: 62), and outputting the image data for which the image process is performed as the image quality forming process, in an image forming apparatus (Using Print Engine as shown in fig. 1: 66) (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 14, Ichikawa discloses an electronic camera (See fig. 3), comprising: an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal; an image processing unit (See image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit; a shooting condition correcting unit (See figs. 3, processing circuits 12, 18, 20, 22, 24 and 26) correcting a shooting condition for exposure; a setting unit (dial 84 with cursor 82 as shown in fig. 3) setting correction instruction information for instructing a correction for a process performed when a visible image is formed from the image data, based on the shooting condition corrected by said shooting condition correcting unit; and an outputting unit (memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) associating the correction instruction information for instructing a correction for a process performed when a visible image is formed (See figs. 2A and 2B), which is set by said setting unit, with the image data and outputting the correction instruction information in association with the image data (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Regarding claim 15, claim 15 is written as a Markush type claim by using the expression "... includes at least any of a grayscale process, a color process, and a sharpness process" (see lines 5-7), meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Ichikawa discloses that the setting unit sets correction instruction information for instructing whether or not to make a correction for each process that includes a color process, and a sharpness process (See figs. 2A and 2B), which are performed when a visible image is formed from the image data, based on the shooting condition corrected by said shooting condition correcting unit (Using dial 84 and the cursor 82, it can be determine whether to enable or disable a predetermined process; col. 5, lines 16-45).

Regarding claim 16, Ichikawa discloses that the setting unit sets correction instruction information for instructing corrections for a plurality of combined processes performed when a visible image is formed from the image data, based on the shooting condition corrected by said shooting condition correcting unit (See instruction information in figs. 2A and 2B; col. 3, lines 49-65).

Regarding claim 17, Ichikawa discloses an electronic camera (See fig. 3) system having an electronic camera and an image forming apparatus (See fig. 1: 100), wherein: the electronic camera comprises an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal, an image processing unit (processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image

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data in a predetermined format based on the image signal captured by said image capturing unit, a shooting condition correcting unit (See figs. 3, processing circuits 12, 18, 20, 22, 24 and 26) correcting a shooting condition for exposure or image quality at the time of shooting, a setting unit (mode dial 84 with cursor 82 as shown in fig. 3) setting correction instruction information for instructing a correction for a process performed when a visible image is formed from the image data, based on the shooting condition corrected by said shooting condition correcting unit, and an outputting unit (memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) associating the correction instruction information for instructing a correction for a process performed when a visible image is formed, which is set by said setting unit, with the image data and outputting the correction instruction information in association with the image data (See figs. 2A and 2B); and the image forming apparatus comprises a reading unit (Col. 3, lines 13-48) reading image data to be formed as an image, and correction instruction information in association with the image data, an image forming processing unit (Figs. 1: 58 and 1: 62) performing an image quality forming process based on the correction instruction information read by said reading unit, and an outputting unit (Fig. 1: 66) outputting the image data for which the image process is performed by said image forming processing unit (Col. 3, lines 49-65; col. 4, lines 13-67; col. 7, lines 22-35).

Regarding claim 18, limitations can be found in claim 15.

Regarding claim 19, limitations can be found in claim 16.

Regarding claim 20, Ichikawa discloses a method associating predetermined information with image data, and outputting the predetermined information in

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association with the image data, comprising: correcting a shooting condition for exposure or image quality at the time of shooting (Using processing circuits 12, 18, 20, 22, 24 and 26 as shown in fig. 3); capturing an image of a subject, and outputting an image signal (Using photographing device 10 as shown in fig. 3); obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3); setting correction instruction information for instructing a correction for a process performed when a visible image is formed from the obtained image data, based on the corrected shooting condition (Using mode dial 84 with cursor 82 as shown in fig. 3); and associating the set correction instruction information for instructing the correction for the process performed when a visible image is formed with the image data (See figs. 2A and 2B), and outputting the correction instruction information in association with the image data (Using memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) (Col. 3, lines 49-65; col. 4, lines 13-67; col. 7, lines 22-35).

Regarding claim 21, Ichikawa discloses an image forming method, comprising: correcting a shooting condition for exposure or image quality at the time of shooting (Using processing circuits 12, 18, 20, 22, 24 and 26 as shown in fig. 3), capturing an image of a subject, and outputting an image signal (Using photographing device 10 as shown in fig. 3), obtaining image data in a predetermined format based on the image signal (Using processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3), setting correction instruction information for instructing a correction for a process performed when a visible image is formed from the obtained image data, based on the corrected shooting condition (Using mode dial 84 with cursor 82 as shown in fig. 3), and

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associating the set correction instruction information for instructing the correction for the process performed when a visible image is formed with the image data (See figs. 2A and 2B), and outputting the correction instruction information in association with the image data, in an electronic camera (Using memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information); and reading image data to be formed as an image, and correction instruction information in association with the image data (Col. 3, lines 13-48), performing an image quality forming process based on the read correction instruction information (Using LUT Correction 58 and Image Analyzing and Printer Auto Setup Coefficient Determining Section 62 as shown in fig. 1: 58), and outputting the image data for which the image process is performed as the image quality forming process, in an image forming apparatus (Using Print Engine as shown in fig. 1: 66) (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 5, 6 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa, US Patent 6,850,271 B1 in view of Yamagishi, US Patent 6,965,410 B1.**

Regarding claim 5, Ichikawa discloses an electronic camera (See fig. 3), comprising: an image capturing unit (Fig. 3: 10) capturing an image of a subject, and outputting an image signal; an image processing unit (See image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit; a setting unit (Fig. 3: 84) setting an image capturing condition for capturing the image of the subject from among a plurality of image capturing conditions; a storing unit (a storing unit storing a plurality of pieces of image forming instruction information unit is inherent in the camera in order to select them to be applied to the captured image) storing a plurality of pieces of image forming instruction information used when a visible image is formed based on the image data; a selecting unit (drivers 28 or 38, which store the image data and image forming instruction information to the memory card 30 or to transmit the image data using wireless communication unit 42, see fig. 3) selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit; and an outputting unit (memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) associating the image forming instruction information selected by said selecting unit with the image data (See figs. 2A and 2B), and outputting the image forming instruction information in association with the image data (Using memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Ichikawa fails to teach that priorities are assigned to the image capturing conditions and selecting the pieces of information based on a priority assigned to the image capturing condition set by said setting unit.

However, assigning priorities to image capturing condition and performing processes related to said image capturing conditions based on said priorities is well known in the art as taught by Yamagishi. Yamagishi teaches a camera (See fig. 1), which performs different processes (i.e. auto-focus, auto-exposure, flash light control, continuous shot, shutter speed, etc.) for different image capture conditions (AV, TV mode, panorama, continuous shot mode, etc.), wherein a selected shooting mode has a predetermined priority different from the conditions for image capturing (i.e. when performing continuous shot mode, the other processes such as auto exposure will be performed based on said selected mode) (Col. 3, lines 16-48; col. 5, line 65 – col. 6, line 14; col. 6, line 43 – col. 7, line 9; col. 10, lines 25-59; col. 11, lines 49-62).

Therefore, taking the combined teaching of Ichikawa in view of Yamagishi as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ichikawa by assigning priorities to the image capturing conditions and selecting the pieces of information based on a priority assigned to the image capturing condition set by said setting unit. The motivation to do so would have been to correctly process the image data captured by the camera since the image processing is performed based on the shooting mode being selected; this would also speed up the process of capturing and processing image.

Regarding claim 6, limitations can be found in claim 5.

Regarding claim 12, Ichikawa discloses a method associating predetermined information with image data, and outputting the predetermined information in association with the image data, comprising: setting an image capturing condition for capturing an image of a subject from among a plurality of image capturing conditions (Using dial shown in fig. 3: 84); capturing the image of the subject, and outputting an image signal (Using photographic device shown in fig. 3: 10); obtaining image data in a predetermined format based on the image signal (Using image processing circuits 12, 14, 16, 18, 20, 22, 24 and 26 as shown in fig. 3); selecting a predetermined piece of image forming instruction information from among a plurality of pieces of image forming instruction information used when a visible image is formed based on the obtained image data (Using drivers 28 or 38, which store the image data and image forming instruction information to the memory card 30 or to transmit the image data using wireless communication unit 42, see fig. 3); and associating the selected image forming instruction information with the obtained image data (See figs. 2A and 2B), and outputting the image forming instruction information in associating with the image data (Using memory card 30 or wireless communication unit 42; see also figs. 2A and 2B storing image data with image forming information) (Col. 3, lines 49-65; col. 4, lines 13-67; col.7, lines 22-35).

Ichikawa fails to teach that priorities are assigned to the image capturing conditions and selecting the pieces of information based on a priority assigned to the image capturing condition set by said setting unit.

However, assigning priorities to image capturing condition and performing processes related to said image capturing conditions based on said priorities is well

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known in the art as taught by Yamagishi. Yamagishi teaches a camera (See fig. 1), which performs different processes (i.e. auto-focus, auto-exposure, flash light control, continuous shot, shutter speed, etc.) for different image capture conditions (AV, TV mode, panorama, continuous shot mode, etc.), wherein a selected shooting mode has a predetermined priority different from the conditions for image capturing (i.e. when performing continuous shot mode, the other processes such as auto exposure will be performed based on said selected mode) (Col. 3, lines 16-48; col. 5, line 65 – col. 6, line 14; col. 6, line 43 – col. 7, line 9; col. 10, lines 25-59; col. 11, lines 49-62).

Therefore, taking the combined teaching of Ichikawa in view of Yamagishi as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ichikawa by assigning priorities to the image capturing conditions and selecting the pieces of information based on a priority assigned to the image capturing condition set by said setting unit. The motivation to do so would have been to correctly process the image data captured by the camera since the image processing is performed based on the shooting mode being selected; this would also speed up the process of capturing and processing image.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

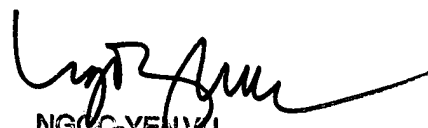
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH
February 5, 2006


NGOC-YEN VU
PRIMARY EXAMINER